

REMARKS

Applicant is pleased to note the allowance of claims 10 - 14 in the action under reply.

In paragraph (2) of the action, the Examiner objected to claims 4, 5, and 7-9 as being improper multiple dependent claims under 37 C.F.R. §1.75(c). Reconsideration of this objection is respectfully requested. While claim 4 is a multiple dependent claim, it is dependent only from independent claims 1, 2 or 3 and, hence, is a proper multiple dependent claim as described in MPEP §608.01(n). The same is true of multiple dependent claims 6, 7, 8 and 9. As to claim 5, while it is based on multiple dependent claim 4, it is only a single dependent claim. Again, under Section 608.01(n), it is proper to provide single dependent claim that is based on a multiple independent claim. Therefore, it is respectfully submitted that claims 4, 5, and 7-9 meet the requirements for the presentation of multiple dependent claims and are in proper form for consideration by the Examiner.

In response to the Official action, applicant has now amended claim 1 to recite features required for a lubricating deodorant for ostomy pouches within the scope of this invention. Applicant's lubricating deodorant comprises an aqueous solution containing both a lubricating agent and a deodorizing agent. As the lubricating agent, a flowable liquid substance is used, which is capable of wetting and clinging to the interior wall surfaces of the pouch. As the deodorizing agent, a complexing agent is used, which is compatible with the lubricating agent and which is capable of complexing with, and neutralizing, the odor causing molecules of fecal matter.

In other words, for purposes of a lubricating deodorant for ostomy pouches according to the present invention, the agents forming the lubricating deodorant have to be carefully chosen with respect to their chemical and physical properties, among the plurality of agents having lubricating and deodorizing properties. Especially, the lubricating agent has to be chosen with respect to its ability to wet and cling to an interior wall surface of a pouch made of polymeric film material and has to be a flowable liquid. The ability of wetting and clinging to polymeric film depends on the specific physical and chemical properties of an agent and is therefore and inherent structural detail of that agent. The condition of a flowable

liquid depends on specific content ratios. Chemical and physical properties, the type of substance or the like. Thus, the condition of a flowable liquid, and the capability of wetting and clinging to a polymeric film, are structural features of the lubricating agent.

The deodorizing agent must be a complexing agent which is capable of complexing with and neutralizing the odor-causing molecules of fecal matter and has, therefore, to be carefully chosen among a plurality of deodorant agents. Again, the ability of complexing with and neutralizing the odor-causing molecules of fecal matter depends on the chemical and physical properties of that agent and is therefore an inherent structural feature of that agent.

In the Official action, the Examiner rejected claims 1 and 2 under Section 102(b) as being anticipated by Keyes 4,762,738 ('738) and rejected claim 3 under Section 103(a) as being obvious in view of Keyes '738. Reconsideration of these grounds for rejection is respectfully requested.

Keyes '738 is concerned with the external treatment of an ostomy pouch to enhance flushability in a flush toilet. For that purpose, he coats the outer surface of the pouch with any of a variety of surfactants. Ivory[®] and Joy[®] detergents are specified as being suitable surfactants but applicant finds nothing in the Keyes patent to suggest that such detergents are also deodorants. More importantly, even if it appeared that such detergents do contain some fragrances or deodorants, it is submitted that they do not contain complexing agents capable of complexing with and neutralizing the odor-causing molecules of fecal matter, nor do they contain a lubricating agent "capable of wetting and clinging to interior wall surfaces of polymeric film materials of the pouch" as called for in applicants' amended claims.

In view of the above, it is believed that applicants' claims are clearly and patentably distinguishable from the prior art and are in proper condition for allowance.

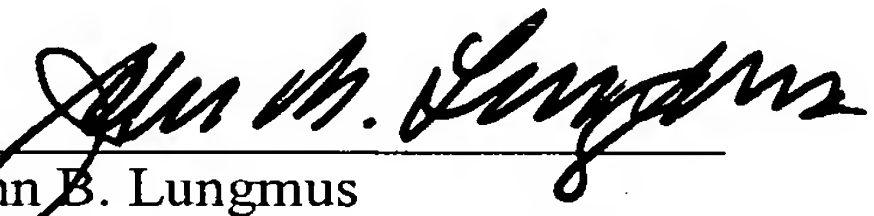
If the Examiner agrees, then reinstatement of species claim 6 is also requested. That claim is indicated as having been withdrawn but such withdrawal from consideration as being qualified pending the allowance of a generic claim. Since amended claims 1, 2 and 3

are all generic, it is requested that claim 6 be reinstated upon the allowance of claims 1, 2 and/or 3.

It is understood that no fees are necessary in connection with the present amendment. However, in the event any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Dated: December 4, 2006

Respectfully submitted,

By 

John B. Lungmus

Registration No.: 18,566

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant